

REMARKS

Claims 1 through 5 are rejected under 35 USC 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. In particular, the Examiner objects to the term “second closed bottom end” as being inaccurate. Claim 1 is further rejected under 35 USC 102(b) as being anticipated by Grusin (US 5,373,779). Claims 1 through 3 are further rejected under 35 USC 103(a) as being unpatentable over Colombo (US 5,088,618) in view of Muchin et al. (US 2003/0197014A1). Claims 4 and 5 are further rejected under 35 USC 103(a) as being unpatentable over Colombo in view of Muchin et al. and further in view of Weber (US 5,400,916). Additional prior art is indicated in the action.

Claim 1 has been amended to meet Examiner’s rejection under 35 USC 112 and to more clearly set forth Applicant’s inventive structure. In particular, claim 1 has been amended to add Applicant’s inventive pair of handles and their nesting handle supports. Claim 2 has been canceled in favor of the amendment to claim 1. Claim 3 has been amended to shift its dependence from cancelled claim 2 to claim 1 and to more clearly set forth Applicant’s inventive structure. In particular, claim 3 has been amended to more clearly set forth the structure of Applicants pair of handles. Claim 4 has been amended to more clearly set forth Applicant’s inventive structure. In particular, claim 4 has been amended to more clearly set forth the rigid shape retainer character of Applicant’s strainer which is capable of supporting a load of articles

therein while retaining its shape. Claim 5 remains as originally submitted. A new claim 6 depending from claim 1 has been added which sets forth Applicant's offset handle supports and handle alignment in the raised position.

With respect to Examiner's rejection of claim 1 under 35 USC 102(b) as being anticipated by Grusin, Applicant asserts claim 1 as amended meets Examiner's rejection. In particular, several features are now set forth in claim 1 which are not shown in Grusin. These features include the recitation of a pair of handles together with the nesting supports which couple the handles to the outer bucket and the strainer respectively. Thus, it is believed that Applicant's amendment of claim 1 makes rejection thereof under 35 USC 102(b) no longer appropriate.

With respect to Examiner's rejection of claims 1 through 3 under 35 USC 103(a) based upon the combination of Colombo and Muchin et al., it is believed that Applicants amendment of claim 1, cancellation of claim 2 and amendment of claim 3 set forth patentable subject matter in claims 1 and 3 which is not rendered obvious in the combination of Colombo and Muchin et al. It is believed that the combination of Muchin and Colombo suggested by the Examiner is inappropriate within the meaning of 35 USC 103. The structure in Colombo utilizes a wire basket within a supporting outer bucket each of which is coupled to a wire handle. The handles are not interactive and share no functional relationship. The structure shown in Colombo is a cleaning system apparatus. However, the structure in Muchin et al. is a paint storage container and is constructed to meet needs which are substantially different from those recognized by the

present invention structure. The paint storage container of Muchin et al. is believed to be sufficiently different art having sufficiently different needs to render combination thereof as proposed by the Examiner to be outside the legitimate boundaries of 35 USC 103. Notwithstanding Applicants belief that the suggested combination of the teaching of Colombo and Muchin et al. be combined under 35 USC 103, Applicant further asserts that such combination if permitted fails to provide Applicant's inventive structure as set forth in amended claims 1 and 3. In particular, Applicant's claimed structure sets forth nesting handle supports which are neither suggested nor shown either within Colombo or Muchin et al. The nesting of these handle supports are important in Applicants inventive structure in that they provide an alignment mechanism for the handles in the raised position shown in Figure 1 of Applicant's drawings. In addition, the nesting of supports and alignment of handles provided by the structure set forth in Applicants claims 1 and 3, is not provided by combining the teachings of Colombo and Muchin et al. Muchin et al. provides a lid having a notch which is incapable in functioning in the manner required for accommodating the handle pair within Colombo unless the novel nesting supports and pivotal handles of Applicant's inventive structure are utilized. Thus, the structure of Muchin can not accommodate the dual handles of Colombo without the contribution of Applicant's inventive structure. This requirement or need for the inventive components of Applicant's structure is well beyond the obviousness standard required under 35 USC 103. Accordingly, it is believed that Applicant's rejection of claims 1 and 3 under the combination of Colombo and Muchin et al. is incorrect and requires a "hindsight" application of Applicant's inventive teachings to accommodate the dual handles of Colombo to the notched lid of Muchin et al. To

provide this accommodation requires the use of Applicants inventive teachings as set forth in Applicant's specifications and drawing figures.

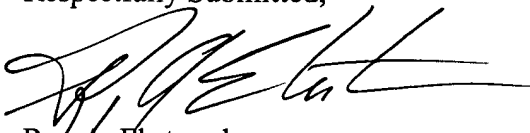
With respect to Examiner's rejection of claims 4 and 5 under 35 USC 103(a) based upon the combination of Colombo, Muchin et al. and Weber, it is believed this combination is inappropriate for the reasons set forth above in addressing Examiner's rejection of claims 1 through 3. It is further believed that the assertion that Weber provides a structure which will suggest the strainer bucket within Applicant's outer bucket is extremely inappropriate. The teaching of Weber that the material placed within the outer bucket may be confined and prevented from staining or adhering to the interior surfaces of the bucket by using a flexible "throw away" inner lining 48 shown in Figure 3 of Weber. This flexible inner lining is not a strainer as set forth in Applicant's description and claims. Thus, the provision of a throw away, flexible inner liner for a paint bucket does not provide a teaching which would be legitimately combined with Colombo and Muchin et al. as suggested by the Examiner. Notwithstanding Applicants belief that the combination of Colombo, Muchin et al. and Weber under 35 USC is inappropriate, Applicant further asserts that such combination if permitted does not provide Applicant's inventive structure. As mentioned above, the liner element which Examiner attempts to analogize to Applicant's strainer bucket is a flexible liner without substantial form and certainly lacks the capability of having a handle affixed thereto to support a quantity of articles therein as provided in Applicant's strainer within the outer bucket. Thus, Weber merely teaches the use of a protective flexible liner within a bucket and nothing further. The combination of the structures of Weber, Muchin et al. and Colombo suggested by the Examiner

does not provide Applicant's inventive structure as set forth in Applicant's claims 4 and 5. As mentioned above, such as combined structure fails to provide various elements such as the nested handle supports, the alignment characteristic suitable for placing the handle pair in alignment for easy carrying, as well as the accommodation of both aligned handles within a pair of notches in the lid cover. These functions are simply not provided by the structures of Colombo, Muchin et al. and Weber.

With respect to new claim 6, Applicant believes that new claim 6 is allowable for its dependency upon claim 1 for the reasons set forth above. Additionally, claim 6 adds the vertical alignment of pivot points supporting the handles within their respective handle supports together with the angled portions of one handle to facilitate handle alignment in the raised position shown in Applicant's figure 1. It is believed for the reasons set forth above that these further elements render claim 6 further patentable.

Accordingly, Applicant respectfully requests that Applicant's claims 1, 3, 4, 5 as amended and new claim 6 be allowed and that the present application be passed to issue.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Roy A. Ekstrand', with a stylized, flowing script.

Roy A. Ekstrand
Registration No. 27,485
Attorney for the Applicant